

### **REMARKS**

Claims 1-9, 11, 12 and 17-20 are pending. In the office action that was mailed March 21, 2008, the claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent no. 5,974,238 to Chase in view of U.S. patent 7,213,039 to Ramanujam, in further view of U.S. pre-grant publication 2002/0029214 by Yianilos.

The office action that was mailed on March 21<sup>st</sup> made the claim rejections final. This response is therefore being filed under 37 C.F.R. 1.114 with a Request for Continued Examination (RCE).

On page 2 of the final rejection, the Examiner stated that the arguments filed by the applicant in the last response were not persuasive. The applicant disagrees with the Examiner and maintains that the claim rejections were improper for reasons set forth in the applicant's previous response. Without waiving the applicant's previously-made objections, or conceding that the rejections were proper, the applicant is hereby amending the claims again to further clarify the claimed subject matter and expedite prosecution.

Paraphrased, the independent claim preambles have been amended to recite that the claimed apparatus is part of, and that the method is performed with, a communication system comprised of a plurality of different base transceiver stations. The claims now require the base transceivers stations or 'BTSs' be capable of providing data communications services to mobile devices operating within the coverage area of each BTS. Mobile nodes are also now recited as being able to move about the different cells at successive times. The preambles also require a "relay device" that couples the base transceiver stations to the apparatus that effectuates synchronization of the network copy of a database to a mobile node copy of a

database and that the claimed apparatus is located at the network part and therefore not at a base station transceiver. More importantly, the preambles now recite that the base stations, network part and the mobile nodes are part of the same “communication system.” The wherein clause now requires that when a database synchronization session has been requested, the database synchronizations can be synchronized, “uninterruptedly as the mobile node travels through successive ones of communication coverage area cells.”

Support for the claim amendments can be found in paragraphs [0040] - [0042]. No new matter has been added.

Paragraph [0040] states that a base transceiver station 16 transceives data with the mobile node and that each base transceiver defines a coverage area or cell. Paraphrased, paragraph [0041] states that the network part includes “a plurality of base stations” and that the mobile node can be positioned in different cells at different successive times. Paragraph [0041] also states that, “effectuation of a communication service can continue uninterrupted as the mobile node travels throughout successive ones of the cells defined [by] the communication system.” Paragraph [0042] states that the base transceiver stations are coupled to a synchronization server through a relay device 18. The synchronization server effectuates database synchronization.

The applicant contends that neither one of the secondary references (*Yianilos* and *Ramanujam*) show or suggest a mobile device having databases that are synchronized to network-copy databases using wireless communications. *Chase* on the other hand does show a mobile or handheld computer H, depicted in FIG. 1D as being wirelessly connected to a host computer C via a wireless carrier. FIG. 1E of *Chase* depicts the handheld computer

connected to the host computer H through a wireless carrier and the Internet. *Chase* therefore appears to be the only cited reference that shows or suggests the synchronization of a mobile copy database to another database copy, using wireless communications.

The amended claims differ from *Chase* in at least two ways. First, the amended claims require that the claimed apparatus be a part of a communication system, which is now effectively claimed through the preamble as including the base station transceivers, the mobile units and the synchronization servers and second, the amended claims require that a database synchronization be capable of completion “uninterruptedly” as the mobile node moves through different coverage areas.

In column 6, lines 16-28 of *Chase* implies that wireless service should somehow be available but does not specify or require the wireless service be “part and parcel of” a communications network as the amended claims now require. *Chase* refers to the wireless service as being provided by a “wireless carrier” which at least implies that the wireless service through which synchronization is accomplished, be qualitatively different from the underlying data service provided by the handheld computer H vis-à-vis the host computer C. In lines 22-28, *Chase* lists various types of paging technologies that might be used as alternatives to the “wireless carrier” referenced in lines 16-21. Stated another way, the synchronization disclosed by *Chase* requires the availability of some form of wireless service but which does not and cannot provide the seamless database synchronization the amended claims require. *Chase* does not show or suggest an apparatus or method by which database synchronization can be effectuated and completed “uninterruptedly” as the amended claims now require.

The applicant notes for the prosecution record that the amended claims do not require and should not be construed to require that the various network or system components be commonly owned or commonly controlled. The amended claims simply require that the mobile devices, base stations, relay device and synchronization server all be part of a communication system, the components of which operate cooperatively and enable communications, database synchronizations, to be effectuated and completed “uninterruptedly” as the mobile node moves around from one cell to the next, as stated in paragraph [0041] of the applicant’s description.

As stated above, the applicant does not waive any previously-made argument or concede that the claim rejections were proper. The applicant contends that the foregoing claim amendments further distinguish the claimed invention and traverse the rejections. Reconsideration of the pending claims is therefore respectfully requested.

Respectfully submitted,

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